

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.26680 of 2005

Date: 03.01.2006

Between:

C.V.Gopala Swamy.

.. PETITIONER

AND

The Government of Andhra Pradesh and another.

.. RESPONDENTS

ORDER:

The petitioner was placed under suspension through proceedings, dated 10.03.2003, on the basis of a trap conducted by the Anti Corruption Bureau (A.C.B). His grievance is that though more than 30 months have lapsed, his case was not reviewed by the appointing authority in terms of G.O.Ms.No.86, G.A.D., dated 08.03.1994, and subsequent instructions issued by the Government from time to time.

Sri P.V.Ramana, the learned counsel for the petitioner submits that when an employee is placed under suspension on the strength of a trap conducted by the A.C.B., the suspension cannot be continued indefinitely, particularly where the Criminal proceedings take unduly a long time. He contends that having regard to the hardship caused to the employees and the loss to the Government in not availing the services of such employees, a procedure has been prescribed in G.O.Ms.No.86, dated 08.03.1994, and that the respondents did not apply the same to the petitioner. He places reliance upon a Judgment of this Court in the case of ***D.Ramesh Sinha vs. Cadre Authority , Hyderabad.***

The respondents filed a counter affidavit stating that the case of the petitioner has been reviewed by the competent authority in the month of July 2005 and on a consideration of the matter, it was decided not to revoke the order of suspension. It is also stated that the case of the petitioner would be reviewed at the end of six months from the date of the order i.e., 22.07.2005.

The petitioner is placed under suspension solely on the basis of a trap conducted by the A.C.B. The employer of the petitioner did not frame any charges independently. By their very nature, such matters are likely to take quite a long time. Instances are not lacking where the employees so proceeded against are acquitted after a fairly long time, and as a result the Government is not only required to pay huge amounts towards back wages but also would be at a loss in availing the services of such employees. It is in this context that the Government issued G.O.Ms.No.86, dated 08.03.1994, providing for review of such cases from time to time. Two years period is stipulated as the maximum limit for placing an employee under suspension, except where extraordinary circumstances exist. Periodical review is also provided for.

In the instant case, the case of the petitioner was reviewed in July 2005 and the 1st respondent addressed a letter, dated 22.07.2005, to the 2nd respondent stating that the case of the petitioner has been reviewed and it was decided not to reinstate him into service. It was also indicated that the case of the petitioner would be reviewed once again after a lapse of six months from the date of that order.

In that view of the matter, it cannot be said that there was any lapse on the part of the respondents in reviewing the case of the petitioner. The proceedings, dated 22.07.2005, issued by the 1st respondent are taken note of, and accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

03.01.2006

Jsu